


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	
<b>REPLY TO SECOND EXAMINER'S ANSWER MAILED 11/06/2007</b>	Atty. Docket No. <b>VIGN1330-1</b>
Applicant <b>Igor A. Shmulevich</b>	
Application Number <b>09/682,655</b>	Date Filed <b>10/02/2001</b>
Title <b>SYSTEM AND METHOD FOR CREATING TARGET-SPECIFIC DATA CONVERSION TEMPLATES USING A MASTER STYLE TEMPLATE</b>	
Group Art Unit <b>2154</b>	Examiner <b>Patel, Ashokkumar B.</b>
Confirmation No.: <b>5246</b>	

Mail Stop Appeal Brief - Patents

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

Dear Sir:

<p align="center"><b><u>Certificate of Transmission Under 37 C.F.R. § 1.8</u></b></p> <p>I hereby certify that this correspondence is being deposited electronically using the United States Patent Office EFS-Web system on <u>January 4, 2008.</u></p> <p align="center">           Signature       </p> <p align="center"> <u>STACY SUTTON KERBY</u>          Printed Name       </p>
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The Examiner in the above-identified application issued a Second Examiner's Answer to Appeal Brief on November 6, 2007, which is nearly identical to the Examiner's Answer mailed September 11, 2007, except for the cover sheet indicating date mailed, and the signature page. Although Examiner Patel had informed Applicant in a telephonic conversation on November 27, 2007 that there was no need to submit a further Reply to Examiner's Answer, as a good faith attempt to be fully responsive, Applicant hereby respectfully submits a copy of the Reply to Examiner's Answer, filed October 10, 2007.

Applicant does not believe any fees are due and owing. If any fees are required, or if any amounts have been overpaid, please appropriately charge or credit those fees to Deposit Account No. 50-3183 of Sprinkle IP Law Group.

Respectfully submitted,

**Sprinkle IP Law Group**



Dated: January 4, 2008

Katharina W. Schuster  
Reg. No. 50,000

1301 W. 25<sup>th</sup> Street  
Suite 408  
Austin, Texas 78705  
Tel. (512) 637-9220  
Fax. (512) 371-9088

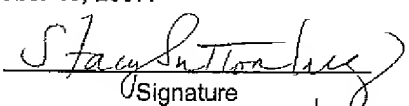
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Dear Sir:

<p align="center"><b>Certification Under 37 C.F.R. §1.10</b></p> <p>I hereby certify that this document is being deposited with the United States Postal Service as Express Mail No. <b>EV680421465US</b> in an envelope addressed to: Appeal Brief, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on <b>October 10, 2007</b>.</p> <p align="center"> Signature</p> <p align="center"><u>STACY SUTTON KERRY</u> Printed Name</p>
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The Examiner in the above-identified application issued an Answer to Appeal Brief on September 11, 2007. Accordingly, attached is Applicant's Reply to Examiner's Answer to Appeal Brief.

## **Reply to Examiner's Answer**

### **1. Introduction**

The Examiner rejected Claims 1-25 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0073119 A1 ( "Richard"). The Appellant respectfully disagreed with the Examiner. Consequently, this appeal was filed.

The Examiner responded to the Appeal Brief filed by the Appellant on January 4, 2007 ("Appeal Brief") with the Examiner's Answer to the Appeal Brief dated September 11, 2007 ("Examiner's Answer"). In the Appeal Brief, the Appellant argued as follows: a) the cited prior art, Richard, does not describe each and every claim limitation of the Appellant's invention, b) the Examiner's claim interpretation is not within the context of the Appellant's disclosure, and c) the Examiner has not established a case of anticipation under 35 U.S.C. § 102(e). See Appeal Brief, pages 24-28. Appellant respectfully maintains that the present invention as claimed in Claims 1-25 is not anticipated by Richard under 35 U.S.C. §102(e).

### **2. Improvements Over Prior Art**

In the Appeal Brief, pages 26-28, the Appellant duly described improvements of the Appellant's invention over prior art. The description of improvements includes, among others, claim terms (e.g., "a master template," "non-display-formatted service data," etc.) and references to specific paragraphs in the specification supporting and exemplifying the claim terms thus described.

#### **2.1 Examiner's Response**

In response, the Examiner argued, on page 18 of the Examiner's Answer, that

"[p]resenting the improvements over the prior art by pointing to specific paragraphs in the specification of the Application do[sic] not establish any relevancy to any of the claim limitation..." (citation omitted).

## **2.2 Flaw in the Examiner's Reasoning**

"Claims are not to be read in a vacuum, and limitations therein are to be interpreted in light of the specification in giving them their 'broadest reasonable interpretation'." 710 F.2d at 802, 218 USPQ at 292 (quoting *In re Okuzawa*, 537 F.2d 545, 548, 190 USPQ 464, 466 (CCPA 1976)) (emphasis in original).

Although it is the claims that define the claimed invention, they are not read in a vacuum. Thus, specific paragraphs in the specification that pertain to the interpretation of the claims are particularly relevant as they are what give the claims "their broadest reasonable interpretation." *Supra*.

## **3. Examiner's / Appellant's Positions Regarding Novelty of The Invention**

In the Appeal Brief, page 29, the Appellant respectfully submitted that Richard does not teach an invention identical to the Appellant's invention, that Richard neither expressly nor inherently describes each and every claim limitation of the Appellant's invention, and that the Examiner's claim interpretation is not within the context of the Appellant's disclosure.

### **3.1 Examiner's Response**

In response, the Examiner argued, on page 19 of the Examiner's Answer, that

"[c]laims are to be given their broadest reasonable interpretation during prosecution, and the scope of a claim cannot be narrowed by reading disclosed limitations into the claim." (citation omitted).

The Examiner further argued that

"[I]n addition, the law of anticipation does not require that a reference 'teach' what an appellant's disclosure teaches. Assuming that reference is properly 'prior art,' it is only necessary that the claims "read on" something disclosed in the

reference, i.e., all limitations of the claim are found in the reference, or 'fully met' by it." (citation omitted).

### 3.2 Flaw in the Examiner's Reasoning

The Appellant respectfully submits that reading a claim in light of the specification, to thereby interpret limitations explicitly recited in the claim, is a quite different thing from 'reading limitations of the specification into a claim,' to thereby narrow the scope of the claim by implicitly adding disclosed limitations which have no express basis in the claim. The scope of claims 1-25 is not what is at issue here. Rather, it is whether each claim, with limitations explicitly recited therein, is read in light of the specification.

During patent examination, the pending claims must be given the broadest reasonable interpretation consistent with the specification. *In re Morris*, 127 F.3d 1048, 1054, 44 USPQ2d 1023, 1027 (Fed. Cir. 1997) (emphasis added); *In re Prater*, 415 F.2d 1393, 162 USPQ 541 (CCPA 1969). See also MPEP § 2111 - § 2111.01.

When the specification states the meaning that a term in the claim is intended to have, the claim is examined using that meaning, in order to achieve a complete exploration of the applicant's invention and its relation to the prior art. *In re Zletz*, 893 F.2d 319, 13 USPQ2d 1320 (Fed. Cir. 1989).

The Federal Circuit's *en banc* decision in *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005) expressly recognized that the USPTO employs the "broadest reasonable interpretation" standard:

The Patent and Trademark Office ("PTO") determines the scope of claims in patent applications not solely on the basis of the claim language, but upon giving claims their broadest reasonable construction "in light of the specification as it would be interpreted by one of ordinary skill in the art." *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364[, 70 USPQ2d 1827] (Fed. Cir. 2004).

The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. *In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999).

Thus, during patent examination, the pending claims must be given their broadest reasonable interpretation consistent with the specification. Furthermore, the broadest reasonable interpretation must be consistent with the interpretation that those skilled in the art would reach in light of the specification.

As submitted in the Appeal Brief, the Examiner's claim interpretation does not appear to be consistent with the written description contained in the Appellant's specification. For example, in light of the specification, those skilled in the art would interpret the claim term "master style template" as a style template for defining and setting, in blocks of data, presentation formats that are absent in the unformatted data from the information provider. See Specification, *para.* 27. However, the Examiner first deemed that a master style template is an XF Conversion Script which contains "a condition and a procedure associated with that condition..." See Examiner's Answer, page 5, lines 13-15. The Examiner then held that "a master [style] template is a collection of service templates." See Examiner's Answer, page 22, fifth paragraph. Notwithstanding the fact that the Examiner appears to have different interpretations of the same claim term, neither claim interpretation is consistent with the written description contained in the Appellant's specification and both would have been inconsistent with those skilled in the art would reach in light of the specification.

Moreover, the Appellant believes that the law of anticipation does require that a single reference must teach every limitation of the claimed invention.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See also MPEP 2131.

"Any limitation not explicitly taught must be inherently taught and would be so understood by a person experienced in the field." *In re Baxter Travenol Labs.*, 952 F.2d 388, 390 (Fed. Cir. 1991).

"The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

"The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required." *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

The Appellant believes that, for a rejection under 35 U.S.C. § 102(e) to stand, Richard must describe, expressly or inherently, each and every limitation in a manner that would be understood by a person experienced in the field as fully meeting a claim. Take the aforementioned claim term "master style template" as an example, the Appellant believes that, in light of the specification, a person experienced in the field would not interpret Richard's XF Conversion Script as fully meeting the claim term "master style template." Accordingly, the Appellant respectfully submits that the applied art Richard does not describe, either expressly or inherently, each and every claim limitation and does not describe an identical invention in as complete detail as is contained in the claims.

#### **4. Rejections Under 35 U.S.C. § 102(e)**

The Examiner maintains that Richard anticipates claims 1-25. See Examiner's Answer, pages 3-17. Applicant respectfully disagrees.

To anticipate a claim, a single reference (or event) must expressly or inherently disclose each and every limitation of a claim. See *Moba B.V. v. Diamond Automation, Inc.*, 325 F.3d 1306, 1233 (Fed. Cir. 2003) and *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.3d 1367, 1379 (Fed. Cir. 1986).

The Appellant respectfully submits that Richard does not describe, either expressly or inherently, each and every claim limitation of claims 1-25 and therefore does not anticipate claims 1-25. In the Appeal Brief, pages 29-30, the Appellant duly provided several reasons why the Appellant believes that the Examiner's allegation that Richard's XF Conversion Script is a master style template is flawed. Specifically, the Appellant pointed out what a master style template is and does according to the Appellant's disclosure, what an XF Conversion Script is



and does according to Richard, and what the differences between them, including, for example, that "the master style template is not used to directly convert unformatted data to a particular markup language." See Appeal Brief, page 30, bottom paragraph.

#### **4.1 Examiner's Reasoning**

In response, the Examiner simply dismissed the Appellant's arguments that

"the master style template is a style template for defining and setting, in blocks of data, presentation formats (font, size, color, position on a page, etc.) that are absent in the unformatted data from the information provider";

"each master style template follows a predetermined style";

"the physical display of the data that it converts"; and

"the master style template is not used to directly convert unformatted data to a particular markup language."

The Examiner stated that these arguments are "absent in the claim limitation[s]" and "[a]s such, these arguments do not have any relevancy to claim limitations" (emphasis in original). See Examiner's Answer, page 20.

#### **4.2 Flaws In the Examiner's Reasoning**

35 U.S.C. § 112, second paragraph, states:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The Appellant believes that claims 1-25 properly recite the subject matter which the applicant regards as the invention, in compliance with 35 U.S.C. § 112, second paragraph. It is believed that claims should not recite what the subject matter is not or does not do. Yet the Examiner's reasoning seems to suggest doing just that. For example, the Appellant's argument that a master style template is not used to directly convert unformatted data to a particular markup language serves to fundamentally distinguish Richard's XF Conversion script. By

dismissing this argument simply because it is absent in the claim limitations, the Examiner seems to suggest that the Appellant should add this argument to the claims in order for the Examiner to consider the argument as being relevant to the claim limitations. However, as the argument distinguishes the applied art Richard and does not define the Appellant's invention, the Appellant does not believe any such argument should be added to the claims, particularly in view of the requirements set forth in 35 U.S.C. § 112, second paragraph.

The Appellant respectfully disagrees with the Examiner's assertion that "these arguments do not have any relevancy to claim limitations." On the contrary, these arguments point out distinguishing differences between the applied art Richard and the claim limitations, citing support for the claimed subject matter in the specification. They are reasons why the Appellant believes that the claim limitations, in light of the specification, are distinguishable from Richard under 35 U.S.C. § 102(e).

#### **4.3 Examiner Has Failed to Show Prior Art Teaches an Identical Invention**

In response to the Appellant's argument that the Examiner has failed to show that Richard teaches an identical invention, the Examiner presented his broadest reasonable interpretation of claim 1 (emphasis in original) on pages 22-23 of the Examiner's Answer. Specifically, the Examiner asserted, among others, that

"claim [1] defines a 'service template' which is created using 'one block of data selected from the master style template' wherein 'one block of data corresponds to markup languages and presentation capabilities of the target device is defined in the master style template.'

Therefore, 'a service template' is 'one block of data corresponding to markup languages and presentation capabilities of the target device selected from the master style template.[s/c]', and as such each block of a plurality of blocks of data defined in a master template is a 'service template.'

Essentially, a master template is a collection of service templates." (emphasis in original).

Based on the above "clear understanding of the claim limitations" of claim 1, the Examiner cited various portions of Richard and argued that Richard teaches the alleged claim limitations of claim 1. See Examiner's Answer, page 23-26.

The Appellant respectfully disagrees with the Examiner's "clear understanding of the claim limitations" of claim 1 and submits that the Examiner's interpretation of claim 1 is not consistent with the Appellant's disclosure. The Examiner seemed to have used Richard's teaching in interpreting the meaning of the claim terms, rather than in light of the Appellant's specification.

When the specification states the meaning that a term in the claim is intended to have, the claim is examined using that meaning, in order to achieve a complete exploration of the applicant's invention and its relation to the prior art. *In re Zletz*, 893 F.2d 319, 13 USPQ2d 1320 (Fed. Cir. 1989).

Since the Examiner used claim 1 as an example, claim 1 is reproduced below:

Claim 1 recites:

A method for generating a plurality of service templates for the conversion of unformatted data to markup language files, comprising:  
    examining non-display-formatted service data corresponding to a selected service to be displayed on one or more target devices or classes of devices;  
    defining in a master style template a plurality of blocks of data corresponding to markup languages and presentation capabilities of the target devices or classes of devices;  
    creating a plurality of service templates using one or more blocks of data selected from the master style template; and  
    configuring each service template for converting the non-display-formatted service data into markup language data adapted to be displayed on one of the target devices or classes of devices.

As submitted in the Appeal Brief, embodiments of the invention as recited in independent claim 1 provide a new solution to the creation of new data conversion templates. See Appeal Brief, pages 4-7. In particular, claim 1 recites, *inter alia*, "creating a plurality of service templates using one or more blocks of data selected from the master style template." Thus, claim 1 defines that, in some embodiments, a plurality of service templates can be created using one block of data selected from the master style template and, in some embodiments, a plurality of service templates can be created using more than one blocks of

data selected from the master style template. Thus, in embodiments as claimed in claim 1, a plurality of service templates can be created regardless of whether one or more blocks of data is/are selected from the master style template. The claim language of claim 1 plainly does not agree with the Examiner's clear understanding that "claim [1] defines a 'service template' which is created using 'one block of data selected from the master style template'." *Supra*.

The ability to create a plurality of service templates is dependent on a master style template as it provides building blocks from which to build the service templates. Accordingly, before "creating a plurality of service templates using one or more blocks of data selected from the master style template," claim 1 recites, "defining in a master style template a plurality of blocks of data corresponding to markup languages and presentation capabilities of the target devices or classes of devices." As a simplified example, if only one block of data is selected from the master style template in creating a plurality of service templates and that block of data sets a particular presentation format (e.g., font, size, color, position on a page, etc.) for a weather reporting service, all the service templates thus generated in this example would contain the same presentation format information for the weather reporting service. Claim 1 next recites, "configuring each service template for converting the non-display-formatted service data into markup language data adapted to be displayed on one of the target devices or classes of devices." Thus, following the above example, each of the plurality of service templates, all of which contain the same presentation format information for the weather reporting service, is then configured for converting the non-display-formatted service data into markup language data adapted to be displayed on one of the target devices or classes of devices (e.g., personal computer, cellular phone, pager, etc.).

As the above example illustrates, according to the method of claim 1, a plurality of service templates can be created for converting the same non-display-formatted service data into markup language data adapted to be displayed on various target devices or classes of devices. Contrary to the Examiner's clear understanding that "[e]ssentially, a master template is a collection of service templates." (emphasis in original)," a master style template as claimed in claim 1 is not and does not contain a collection of service templates. A master style template as claimed in claim 1 contains building blocks of data corresponding to markup languages and presentation capabilities of the target devices or classes of devices. It defines a style for presentation of non-display-formatted service data on various target devices or classes of devices. Moreover, the master style template as claimed in claim 1 is involved in creating a

plurality of service templates, but the master style template itself is not involved in data conversions. This is utterly different from the XF Conversion Script disclosed by Richard.

In view of the foregoing, it can be seen that the Examiner's assertions appear to be based on misinterpretation and misunderstanding of the Appellant's invention. For example, the Examiner asserted that "'a service template' is 'one block of data corresponding to markup languages and presentation capabilities of the target device selected from the master style template'." *Supra*. This is incorrect. As explicitly recited in claim 1, each of a plurality of service templates generated according to the method of claim 1 would contain one or more data blocks selected from a master style template as well as configuration information for converting non-display-formatted service data into markup language data adapted to be displayed on one of the target devices or classes of devices. Moreover, the Examiner asserted that "as such each block of a plurality of blocks of data defined in a master template is a 'service template.'" Again, this is incorrect. Claim 1 does not recite that each block of data defined in a master template is a service template and there is no such teaching in the specification. On the contrary, claim 1 particularly recites "defining in a master style template a plurality of blocks of data corresponding to markup languages and presentation capabilities of the target devices or classes of devices creating a plurality of service templates" and "creating a plurality of service templates using one or more blocks of data selected from the master style template." The subject matter as claimed in claim 1 is consistent with the specification, which describes that these data blocks are building blocks from which the individual templates can be constructed. *See specification, para. 40*. Finally, the Examiner asserted that "essentially, a master template is a collection of service templates." As before, this is incorrect. Claim 1 does not recite such a limitation and there is no such teaching in the specification.

Thus, the Examiner's application of Richard to claim 1 appears to be based on clear misunderstanding of the claim limitations. Accordingly, the Appellant respectfully submits that the Examiner has failed to show that Richard teaches an identical invention in as complete detail as is contained in claim 1.

#### **4.4 Examiner Has Failed to Interpret Claim Term(s) in the Context of the Invention**

In the Appeal Brief, the Appellant respectfully submitted, among others, that the XF Conversion Script of Richard does not anticipate the claim term "master style template" as

specifically described in the Appellant's disclosure and that where an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim (citation omitted). See Appeal Brief, pages 32-33.

In response, the Examiner again simply dismissed the Appellant's arguments, claiming that they are "absent in the claim limitation" and "[a]s such, these arguments do not have any relevancy to claim limitations. See Examiner's Answer, page 28. The Examiner further reiterated that

"[c]laims are to be given their broadest reasonable interpretation during prosecution, and the scope of a claim cannot be narrowed by reading disclosed limitations into the claim." (citation omitted);

that

"[i]n addition, the law of anticipation does not require that a reference 'teach' what an appellant's disclosure teaches. Assuming that reference is properly 'prior art,' it is only necessary that the claims "read on" something disclosed in the reference, i.e., all limitations of the claim are found in the reference, or 'fully met' by it." (citation omitted);

and that

"[i]t is the claims that define the claimed invention, and it is claims, not specifications that are anticipated or unpatentable."

As submitted before, the scope of a claim is not what is at issue here. Rather, it is whether the Examiner's claim interpretation is reasonable in light of the specification. It is believed that the Examiner has failed to read each claim in light of the specification, to thereby interpret limitations explicitly recited in the claim.

During patent examination, the pending claims must be given the broadest reasonable interpretation consistent with the specification. *In re Morris*, 127 F.3d 1048, 1054, 44 USPQ2d 1023, 1027 (Fed. Cir. 1997) (emphasis added); *In re Prater*, 415 F.2d 1393, 162 USPQ 541 (CCPA 1969). See also MPEP § 2111 - § 2111.01.

When the specification states the meaning that a term in the claim is intended to have, the claim is examined using that meaning, in order to achieve a complete exploration of the applicant's invention and its relation to the prior art. *In re Zletz*, 893 F.2d 319, 13 USPQ2d 1320 (Fed. Cir. 1989).

The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. *In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999).

Thus, during patent examination, the pending claims must be given their broadest reasonable interpretation consistent with the specification. Furthermore, the broadest reasonable interpretation must be consistent with the interpretation that those skilled in the art would reach in light of the specification. The Appellant believes that the Examiner has so far failed to interpret claim terms in the context of the invention and that the Examiner's claim interpretation is not consistent with the interpretation that those skilled in the art would reach in light of the specification.

Moreover, the Appellant believes that the law of anticipation does require that a single reference must teach every limitation of the claimed invention.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See also MPEP 2131.

"Any limitation not explicitly taught must be inherently taught and would be so understood by a person experienced in the field." *In re Baxter Travenol Labs.*, 952 F.2d 388, 390 (Fed. Cir. 1991).

"The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

"The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required." *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Thus, the Appellant believes that, for a rejection under 35 U.S.C. § 102(e) to stand, Richard must describe, expressly or inherently, each and every limitation in a manner that would be understood by a person experienced in the field as fully meeting a claim.

Furthermore, although it is the claims that define the claimed invention, they are not read in a vacuum.

"Claims are not to be read in a vacuum, and limitations therein are to be interpreted in light of the specification in giving them their 'broadest reasonable interpretation'." 710 F.2d at 802, 218 USPQ at 292 (quoting *In re Okuzawa*, 537 F.2d 545, 548, 190 USPQ 464, 466 (CCPA 1976)) (emphasis in original).

Thus, to reach the broadest reasonable interpretation, claims must be interpreted in light of the specification as they would be by those skilled in the art.

Interestingly, on page 28 of the Examiner's Answer, the Examiner first categorically dismissed the Appellant's arguments as not having any relevancy to the claim limitations and then responded to one of them which pointed out that the XF Conversion Script of Richard already contains a list of templates. Specifically, the Examiner cited paragraph 102 of Richard that teaches "[a]n XF conversion script is a series of templates..."

The fact that claim 1 recites "creating a plurality of service templates" should have been enough to distinguish Richard under 35 U.S.C. § 102(e) as Richard does not describe creating a plurality of service templates using one or more blocks of data defined in a master style template. Instead, Richard explicitly describes that "the XF Conversion Script is composed of a list of template procedures with each procedure described by the 'template' tag. For the conversion to be performed, the procedures are now executed." See Richard, *para.* 88.

The Examiner further cited paragraphs 103-107 of Richard which disclose four rules pertaining to a particular conversion. In contrast, claim 1 is directed to a method for generating



a plurality of service templates and not to any particular conversion. Richard's conversion rules do not pertain to the creation of templates and thus are irrelevant and do not apply to claim 1.

In view of the foregoing, the Appellant respectfully submits that the Examiner has failed to interpret claim terms in the context of the invention.

#### **4.5 Examiner Has Failed to Make a Case of Anticipation Under 35 U.S.C. § 102**

In response to the Appellant's argument that the Examiner has failed to make a legally sufficient case of anticipation under 35 U.S.C. § 102(e), the Examiner again cited paragraph 102 of Richard which discloses that the XF Conversion Script is a series of templates and paragraphs 103-107 of Richard which disclose four rules pertaining to a particular conversion.

As submitted above, the XF Conversion Script of Richard is composed of a list of template procedures that are already programmed. See Richard, *paras.* 84-88. The XF Conversion Script of Richard simply does not meet the claimed term "master style template" in light of the specification. The conversion rules of Richard are applicable as the XF conversion script runs, calling template procedures that satisfy the "Match" condition of execution. See Richard, *para.* 91. Richard does not teach, expressly or inherently, defining data blocks in a master style template, creating a plurality of service templates using one or more data blocks selected from the master style template, or configuring each of the service templates thus created for target devices or classes of devices. To anticipate claim 1, Richard must expressly or inherently describe each and every limitation of claim 1 and Richard must show an identical invention in as complete detail as is contained in claim 1. Richard clearly does not describe each and every claim element and does not show an identical invention in as complete detail as is contained in claim 1. By relying on Richard and not considering the specification in interpreting the claim limitations, the Appellant believes that the Examiner has failed to make a case of anticipation under 35 U.S.C. § 102(e). For similar reasons as submitted above and in the Appeal Brief, the Appellant respectfully submits that Richard does not anticipate claims 1-25 and that claims 1-25 are novel under 35 U.S.C. § 102(e) in view of Richard.

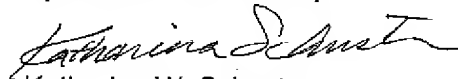
## 5. Conclusion

As explained above, the Appellant believes that the applied prior art reference, Richard, does not anticipate claims 1-25. The Appellant therefore respectfully requests that all of the rejections be withdrawn and that all the pending claims 1-25 be allowed.

Applicant does not believe any fees are due and owing. If any fees are required, or if any amounts have been overpaid, please appropriately charge or credit those fees to Deposit Account No. 50-3183 of Sprinkle IP Law Group.

Respectfully submitted,

**Sprinkle IP Law Group**



Katharina W. Schuster  
Reg. No. 50,000

Dated: October 9, 2007

1301 W. 25<sup>th</sup> Street  
Suite 408  
Austin, Texas 78705  
Tel. (512) 637-9220  
Fax. (512) 371-9088